

REMARKS

The Examiner has rejected Claims 1, 10 and 14 under 35 U.S.C. 103(a) as being unpatentable over Gleichauf et al. (6,499,107), in view of Chiu (5,101,402). The Examiner has further rejected Claims 1 - 17 under 35 U.S.C. 103(a) as being unpatentable over McCreery et al. (5,787,253), in view of Chiu (5,101,402). The Examiner has further rejected Claims 1 - 17 under 35 U.S.C. 103(a) as being unpatentable over Abromavage et al. (WO 00/68811), in view of Chiu (5,101,402).

In each rejection, the Examiner has admitted that the primary references do not specifically teach the step of sending one or more messages to the second analyzer responsive to unsuccessful session reconstruction on the first analyzer and the second analyzer recognizes the unrecognized packets to successfully reconstruct the session. The Examiner further argues that it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify such primary references in view of Chiu to provide the claimed features lacking in the primary references.

Applicant respectfully disagrees with this assertion, as it appears that the Examiner has not considered the full weight of applicant's claims. Specifically, applicant claims, in each of the independent claims:

"wherein the one or more messages from the first analyzer to the second analyzer comprise packets received by the first analyzer which are unrecognized, and the second analyzer recognizes the unrecognized packets to successfully reconstruct the session." (or similar language)

To this end, the Examiner's proposed combination still fails to meet applicant's claimed invention. Specifically, the Examiner relies on Fig. 9 and the following excerpt from Chiu to make a prior art showing of the foregoing claim limitations.

"Other types of packets can exist on a DECnet network. The various types of DNA packets include `terminate session` packets; `link service` packets; and `ACK` packets acknowledging receipt of a packet.

In addition, yet other types of packets exist on a DECnet. These other

types of packets are well-known in the networking art and will not be described herein.

FIG. 8c shows a session key which has been extracted from either the packet header of FIG. 8a or the packet header of FIG. 8b. A unique session key is extracted for each session and serves to identify the packets of the session. Each session key preferably is 32 bits long and comprises 16 bits from the Initiator DECnet Node Address field and 16 bits from the Initiator Logical Link Address field of the initiator address 138/158 in the packet header.

FIG. 9 is a flow chart of the steps of the method of the present invention performed by the session information collecting part 92 to process a packet header from a Transport Layer level packet. If the packet header is from a Session Control packet, such as the 'connect initiate' packet of FIG. 8a, (Step 160), control passes to Step C of FIG. 10. If the packet header is from a data packet, such as the packet header of FIG. 8b, (Step 162), control passes to Step D of FIG. 11. If the packet header is from a Link service packet (Step 164), control passes to Step E of FIG. 12. If the packet header is from an ACK packet (Step 166), control passes to Step F of FIG. 13. If the packet header is from some other type of packet, then the unknown packet type is processed (Step 168)." (col. 8, line 61 - col. 9, 25)

Such excerpt, however, merely suggests a technique for managing packets based on a header thereof. This clearly falls short of the specific functional interaction between a first and second analyzer, as claimed by applicant.

Specifically, there is no "sending one or more messages to the second analyzer" in response to the specific condition of an "unsuccessful session reconstruction," as claimed, "wherein the one or more messages from the first analyzer to the second analyzer comprise packets received by the first analyzer which are unrecognized, and the second analyzer recognizes the unrecognized packets to successfully reconstruct the session." (or similar language)

Applicant argues that the clear deficiencies in the Examiner's proposed combinations would not have been obvious, since such aspects of the claimed invention provide such paramount benefits. By applicant's unique claimed features, the present invention is capable of better dealing with unrecognized packets by sending them to another analyzer for recognizing the unrecognized packets to successfully reconstruct the session. Applicant contends that simply nowhere in the prior art is there such a multi-analyzer technique, as specifically claimed, for improved session reconstruction.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed.Cir.1991).

Applicant thus respectfully asserts that at least the third element of the *prima facie* case of obviousness has not been met, since the Examiner's cited excerpts do not disclose, teach or suggest applicant's claim language, as set forth hereinabove.

It is further noted that the Examiner's proposed combination continues to fail to meet the specific limitations of applicant's dependent claims. Specifically, the Examiner relies on the foregoing primary references to meet applicant's claimed:

"wherein the one or more messages from the first analyzer to the second analyzer further comprise hints generated by the first analyzer" (see Claim 3 et al.);

"wherein hints for a packet comprise a time the packet was received and an address information for the packet" (see Claim 4 et al.); and

"wherein the packets received at the first analyzer are output from a filter for controlling which packets in a plurality of packets flowing into the filter reach the first analyzer" (see Claim 5 et al.).

The primary references, however, do not even suggest the specifically claimed sending of messages between a first analyzer and a second analyzer, let alone the particular content of such messages that is claimed in the foregoing dependent claims.

Again, applicant thus respectfully asserts that at least the third element of the *prima facie* case of obviousness has not been met, since the Examiner's cited excerpts do not disclose, teach or suggest applicant's claim language, as set forth hereinabove.

A notice of allowance or a specific prior art showing of all of applicant's claimed features, in combination with the remaining claim elements, is respectfully requested.

In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (408) 505-5100. For payment of the fees due in connection with the filing of this paper, the Commissioner is authorized to charge such fees to Deposit Account No. 50-1351 (Order No. XACTP016).

Respectfully submitted,
Silicon Valley IP Group, P.C.

Kevin J. Zilka
Registration No. 41,429

P.O. Box 721120
San Jose, CA 95172-1120
408-505-5100